

Clean Water Act Section 401 - Water Quality Certification and/or Waiver of Waste Discharge Requirements

- Required for proposed projects that may impact “Waters of the State”
 - “Waters of the State” include isolated wetlands, coastal wetlands, ephemeral and perennial streams, rivers, lakes, and groundwater.

Section 401 cont.

- Section 401 of the Clean Water Act and/or the Porter-Cologne Authority (Cal. Water Code) grants the State the right to regulate activities occurring in or adjacent to waters of the state.
- If the project requires federal permit (i.e. 404), the Regional Board will regulate activities under 401 authority
- If no federal permit, the Regional Board will regulate under Porter-Cologne Authority (i.e. WDR's)

Do you need a Water Quality Certification for your project?

- Is your project located within or adjacent to “Waters of the State”?
- Will the project have the potential to impact the quality of “Waters of the State”?
- Does the project require other state or federal permits?

*If you answered yes to any of the above you will need to apply to the Regional Board for Water Quality Certification.

Some examples where a
project would require a
401 Certification:

Wetlands/Vernal Pools



Wetlands/Vernal Pools



Seasonal Wetlands





Seeps/Springs



Seasonal/Ephemeral Streams



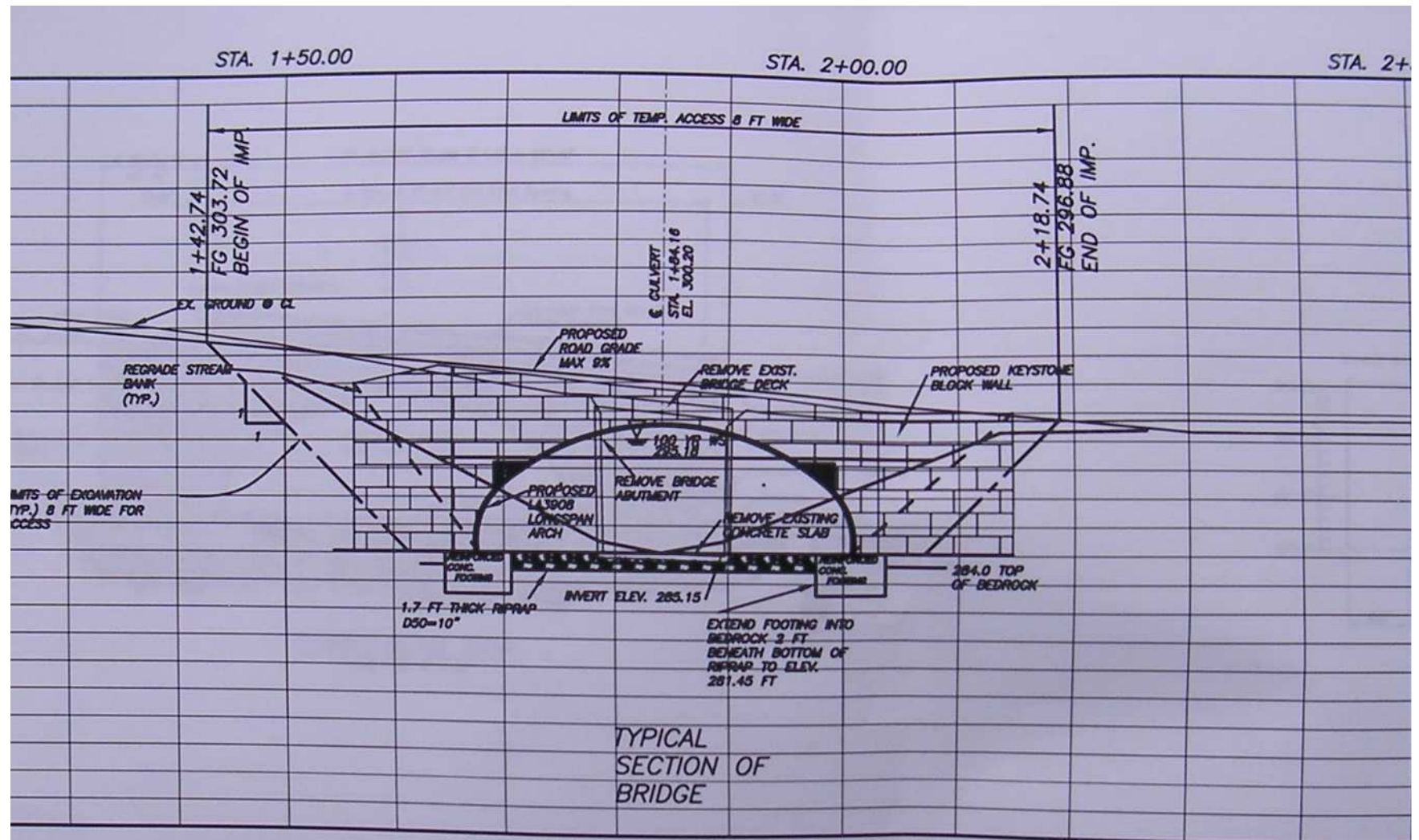
Seasonal/Ephemeral Streams



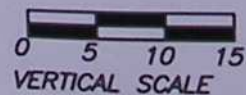
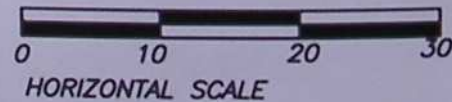
Headwater Streams

Straightened/Realigned Streams





SOIL REMOVED WITHIN KEYSTONE WALL
 CREEK BED TO BE REPLACED WITH D50=10"
 GAGE GALV. IN ACCORDANCE WITH AASHTO
 ED IN LAYERS. NOT TO BE DUMPED.



Arch Culverts

SITE PROFILE



Arch Culverts

Lakes



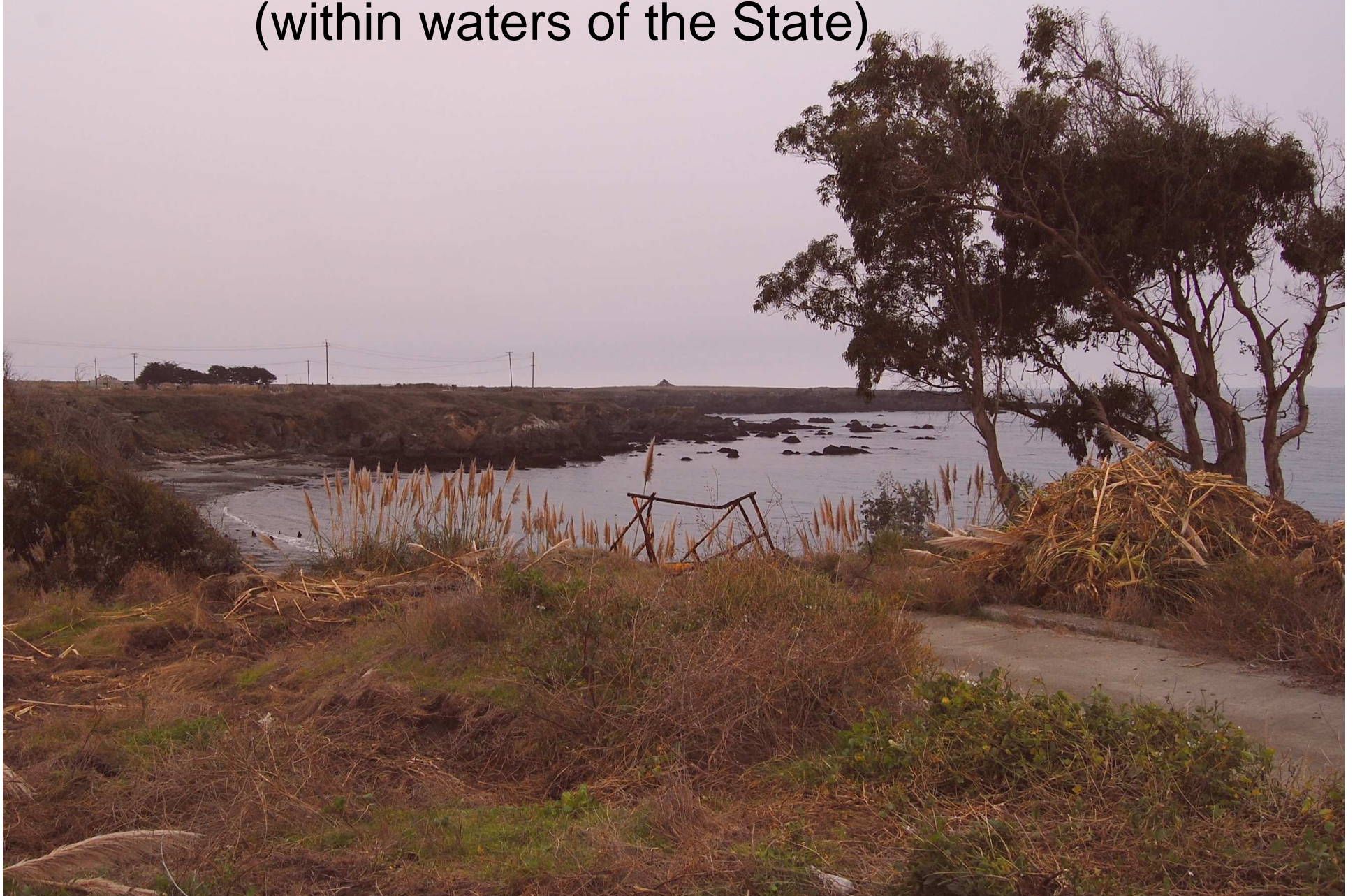
Bridges



Bank Stabilization – Bioengineering



Coastal Development (within waters of the State)



Permitting Process for 401 Certification/WWDRs

- 1) Applicant applies for 401/Waiver of WDRs
- 2) Regional Board staff review application to determine completeness
- 3) Once complete 21-Day Public Notice Issued
- 4) Comments are taken and application review is completed
- 5) Determination is made:
 - Denial
 - Denial w/out Prejudice
 - Certified with Conditions = avoidance, mitigation, ect.

401 Certification overlap with Construction Stormwater Permit

- Some projects may need both permits
- The 401 review and issuance includes the post construction stormwater/LID treatment features – will be added as a condition to the 401
- May also include Construction stormwater BMPs/SWPPP
- Some 401 projects in MS4 area – LID also looked at
- Coordinate with Mona and Paul

401 Certification Info

[http://www.waterboards.ca.gov/northcoast/
water_issues/programs/
water_quality_certification.shtml](http://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification.shtml)

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Thank You!

